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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 416th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 October 1997, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (continued)

Initial report of Trinidad and Tobago [(CRC/C/11/Add.10); list of issues (CRC/C/Q/TRI/1); written replies by the Government of Trinidad and Tobago to the questions put in the list of issues (document without a symbol, distributed at the meeting)]

1. At the invitation of the Chairperson, the members of the delegation of Trinidad and Tobago resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to continue with their questions on the sections entitled "General principles", "Civil rights and freedoms" and "Family environment and alternative care" of the list of issues to be taken up in connection with the consideration of the initial report of Trinidad and Tobago.

3. Mr. KOLOSOV first of all asked for details about the influence of the media on children. He then expressed his concern about the high lead content of water and asked whether anything had been done about it. Lastly, he asked for more detailed information on the country's housing problem.

4. Mrs. OUEDRAOGO commended the measures taken to ensure that births were registered and asked whether, in spite of them there were still undeclared births. She found it regrettable that the adoption law referred to in paragraph 40 of the report failed to give children the right to obtain information on the identity of their biological parents. She would further like to know whether freedom of expression for children was guaranteed both in the family and at school. She would also appreciate a reply to question 20 of the list of issues regarding protection for children from any kind of harmful information, and clarification of the apparent contradiction between article 37 (a) of the Convention (The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment) and the regular use of whipping as a punishment.

5. Mr. RABAH asked whether a child's opinion was taken into account as required by article 21 of the Convention, particularly in respect of adoption, and from what age a child's consent was required. Regarding alternative care, he asked for information on the measures taken to ensure comprehensive protection in homes, where children were frequently ill-treated. He also requested further information on street children and on the delicate issue of the ill-treatment of children as a whole, and whether there was any machinery for monitoring children in institutional care.

6. Ms. CAMPS (Trinidad and Tobago) said that a ministry responsible for environmental issues had been set up three years previously to coordinate all nationwide activities in that sphere. Various agencies were currently working to eliminate lead from water and petrol. Regarding the housing problem, she said that there had been squatters for 30 years in Trinidad and Tobago and that no Government had succeeded in resolving the problem. A bill would be set before the next session of Parliament to regularize the situation of

squatters, although measures had already been taken to grant them leases and the Government had set up banks to provide loans to young people to enable them to build their own home. Subsidies were also provided for low-income families.

7. Ms. SAMPSON (Trinidad and Tobago) said that there was a 1,000-dollar fine for failing to register children at birth and that measures were taken in hospitals and clinics to make it easier to enter children in the civil register. Instances of failure to register were consequently an exception. In addition, the Adoption of Children Act was currently under consideration and amendments would be made to it to make it possible to take account of the child's opinion, in conformity with the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption.

8. Turning to the question of freedom of expression, which had already been considered with regard to the education system, she said it was worth noting that the views of children were taken into account before the courts, in conformity with article 12 of the Convention on the Rights of the Child and that in 1994 new legislation had been adopted in Trinidad and Tobago to incorporate the amendments made to the law. Regarding pornography, she said that the report by the Special Rapporteur on the sale of children, child prostitution and child pornography would provide a basis for preparing new programmes to combat those phenomena.

9. She acknowledged that the media could have a harmful impact on children if children's programmes were not permanently monitored. In that respect, UNICEF had organized a workshop to develop media awareness of the rights of the child and to make the media more responsible, and a censorship commission was charged with placing all cinema and television films into several categories.

10. Although corporal punishment was not prohibited by law, it was only used in very specific cases and a doctor had to be present. Nevertheless, public opinion was generally hostile towards the practice, particularly at school. Regarding the problem of children's homes, she said that a working group had been set up to inspect them and to draw up a detailed report. In some cases, children were indeed ill-treated. Measures had nevertheless been taken to deal with the problem: it was mandatory for homes to obtain a "licence" in order to take in children, they were inspected frequently and subsidies were provided to enable them to recruit trained personnel. She added that, according to an estimate by NGOs, in 1993 there had been approximately 770 street children in Trinidad and Tobago. It had been possible to place approximately 130 children in small homes, while others returned to their parents or guardian in the evening. She nevertheless regretted that she was unable to provide more precise information on the topic. More generally, she noted that the Government of Trinidad and Tobago was currently preparing a protocol on the ill-treatment of children which partly incorporated some of the provisions of the Convention on the Rights of the Child and was inspired by the Belize and Kingston Accords. Lastly, in reply to Mr. Kolosov, she said that per capita income had risen from $15,000 to $25,000 between 1989 and 1996 and that measures had been taken to reduce the poverty which had reappeared in the country after the end of the oil boom.

11. Mrs. PALME asked whether measures to combat the ill-treatment of children were the subject of legislation or whether they were still being prepared and whether there were any actual plans to change the Corporal Punishment Act.

12. The CHAIRPERSON, speaking in her personal capacity, asked whether any studies had been made of the relation between corporal punishment at school and in the family and the level of violence in society at large. Moreover, even though the topic was taboo in Trinidad and Tobago, she would appreciate details on incest, in view of the level of trauma it caused to children. Lastly, she asked what remedial measures were available to abused children.

13. Mrs. OUEDRAOGO asked whether the Government of Trinidad and Tobago planned to do anything to deal with the frequent instances of violence against women and to improve the training of personnel responsible for caring for children in homes. She also emphasized the importance of developing rehabilitation programmes to prepare children for life outside institutions. She asked what weight was given to the opinion of children, particularly when their parents divorced, whether mothers who were imprisoned were allowed to keep their children and if so until what age, and what procedure was followed if they gave birth in prison. Lastly, she asked whether Trinidad and Tobago's legal system included family courts responsible for resolving the problems of children and families.

14. Mr. KOLOSOV, referring to the universal problem of the rise in drug and alcohol consumption among young people, emphasized that legislation could not solve everything. It was also necessary to offer young people healthy leisure activities. In that connection, he would like to know whether the Government of Trinidad and Tobago intended to do anything to develop recreational facilities, which seemed to be insufficient.

15. Ms. CAMPS (Trinidad and Tobago) said that incest was very severely punished, although the subject was still taboo, despite campaigns to develop awareness, particularly among the media and educators. In poor families, wives were frequently reluctant to denounce their husband out of fear of being unable to meet the household's needs. Among the middle and upper classes, silence was virtually an absolute rule. As a result, it was very difficult to apply the law and even though there had been a slight increase in the number of cases coming to court, they were undoubtedly only the tip of the iceberg.

16. As far as respect for the views of children was concerned, she said that children had to be consulted, in conformity with the law, during custody proceedings. Nevertheless, judges handed down their decision on the basis of the best interests of the child, which might be contrary to their wishes. Moreover, family cases were currently handled by an ad hoc division of the High Court, although it was planned to establish family courts and the necessary funds had already been released. The Government was simply waiting for the reports by the various committees of inquiry and the legislative authority.

17. Ms. SAMPSON (Trinidad and Tobago), replying to Mrs. Palme's questions, said that it was planned to introduce legislation to regulate the machinery for monitoring children placed in care. As for corporal punishment, she

confirmed that no study had so far been made of the issue, as there was still no unanimous agreement, either nationally or regionally, as to whether the Convention took precedence over domestic law in that sphere, an issue which had both social and cultural implications.

18. Turning to questions about incest and the ill-treatment of children, she said that the relevant protocol should cover all aspects of the problem and that NGOs and the Ministry of Health already operated a number of counselling structures for victims. However, there were no structures to care for ill-treated children, who were generally placed in orphanages by the courts. The reports that children were ill-treated in homes were grossly exaggerated. All homes receiving subsidies were monitored and, as a result, the abuses referred to could only be isolated instances. Whatever the case, the establishment of an official agency authorized to issue and withdraw the necessary licences should resolve the problem. In the sphere of family violence, the Government was endeavouring to supplement the existing Act by improving preventive measures. To do so, it was emphasizing community-based support services, development of awareness among parents and educators, and training for police officers. Moreover, it could grant financial assistance to battered wives to allow them to make ends meet, for example by setting up small businesses.

19. Drug consumption constituted an offence and the penalties were relatively harsh. However, the Government, through an official organism run by the Ministry of Social Development, gave the utmost importance to preventive measures, particularly in local communities and schools and even pre-school establishments. Information kits had been prepared with the assistance, in particular, of the United Nations International Drug Control Programme and a variety of activities, such as marches against drugs and regional seminars, were regularly held. Regarding recreational facilities, she said that the situation had changed since the initial report had been prepared, particularly as a result of the action of the Ministry of Sport which had taken stock of the problem and was doing everything possible to develop facilities and encourage young people to practise a sport.

20. The CHAIRPERSON invited the members of the Committee to put their questions on the sections of the list of issues concerning basic health and welfare, and education, leisure and cultural activities.

21. Mr. KOLOSOV emphasized the vital role of pre-school education in the development of children and asked whether there were any programmes to develop that sector. He expressed his concern about the rise in the suicide rate among young people and asked whether a study had been made to identify the reasons for it.

22. Mrs. OUEDRAOGO congratulated the Government of Trinidad and Tobago on having exceeded many of the health objectives adopted at the World Summit for Children. However, noting the statement in paragraph 96 of the initial report that several of the programmes identified in the NPA had not been implemented due to lack of financial and human resources, she asked what priorities had been adopted in the sphere of health and welfare. She also asked for fuller information on the progress made in vaccination against and the eradication of measles. Noting that maternal mortality had been fairly high at the beginning

of the 1990s (60.79 per 100,000 live births in 1992), she asked what the trend had been since then. Regarding child care, she deplored the inadequacy of public structures to care for children with working parents. In that connection, she inquired about the date of entry into force of the system of licences and emphasized the need to regulate not only the quality of the services offered, but also their cost, so as to make them accessible to the majority of the population.

23. Regarding education, she was concerned by the statement in paragraph 133 of the report that the economic recession had cast doubt on the possibility of sustaining public expenditure levels in that sector. She asked how the Government intended to improve the quality of the educational system with a shrinking budget.

24. Mr. RABAH noted that Trinidad and Tobago was apparently not spared by the spread of AIDS, which had become the fourth leading cause of death there. Although the phenomenon mainly affected adults, children were apparently not spared, either because they were directly affected by the disease or because they became orphans when their parents died. He asked for details of the care programmes and preventive measures introduced by the Government. He also asked for information on how the social security system operated and inquired whether there was any legislation to regulate children's access to social security.

25. Mrs. PALME asked whether there was a specific legislative framework to protect disabled children and whether any special measures were taken to integrate children with social or psychological problems into regular schools. She also asked the delegation to provide information on the results of the 1995 National Health Needs Survey.

26. The CHAIRPERSON asked for details of the results achieved in the health sphere, and said that the report too often merely listed the aims of the reform. In particular, she asked for additional information on the overall state of health of adolescents, on teenage pregnancies and on school sex-education and family planning programmes. Regarding access to care, she asked whether there were enough medical practitioners. She also inquired how society as a whole regarded HIV/AIDS and whether the Government planned to take any measures to combat the stigma potentially borne by sufferers.

27. Where education was concerned, she noted that the educational system apparently emphasized competition and asked what vocational training opportunities were available for pupils who failed to make the grade. Lastly, she asked for details of the quality of teacher-training and of teachers' pay.

28. Ms. SAMPSON (Trinidad and Tobago) said that the pre-school education system in her country operated quite well. There were currently 48 pre-school establishments which had provided places for 1,487 pupils in 1995; there was one teacher per 14 pupils. Those establishments had partly been set up thanks to a loan from the World Bank. There were also private schools run by NGOs or volunteers. The Government appreciated the importance of pre-school education within the educational system as a whole and intended to develop it. In

addition, a national council on pre-school education, to which NGOs were associated, had been established in order to provide teacher-training and to monitor the quality of their work.

29. The available statistics suggested that youth suicides were not a particularly common phenomenon and educational counsellors were available in schools for consultation by teenagers with psychological problems. Where the National Plan of Action for Children was concerned, although it had not been possible to introduce all the measures, the progress already made was remarkable and the vaccination campaign against measles had produced highly satisfactory results. The rate of maternal mortality was still a source of concern, although it had fallen slightly; in that respect, the Government had to strengthen its preventive action. Regarding care facilities for the children of working mothers, the existing structures were private. Women's associations were campaigning for the creation of day-care centres at workplaces.

30. She added that consideration was being given to the introduction of a system of licences for centres caring for children with problems, such as orphans, in order to monitor and harmonize their quality. As a rule, they were free and operated thanks to public subsidies, private contributions and the assistance of charities. Moreover, although overall public funds were shrinking, the health and education budgets were still the largest. In addition, where education was concerned, there was no doubt that there were too few teachers, mainly because they were poorly paid, and many of them took early retirement. The trade unions were endeavouring to improve their status, but under current circumstances the Government was not in a position to raise the pay either of teachers or of other civil servants.

31. The spread of HIV infection among children was a major problem. Many measures had been adopted better to inform children and their families of the disease's causes and effects. In particular, efforts were being made more broadly to inform adolescents about AIDS and sexually transmitted diseases as a whole, by poster campaigns and other means, with an emphasis on prevention. An NGO had opened a centre for orphans with AIDS and the Anglican Church was planning to follow suit.

32. Where social security was concerned, children were covered by the national social security system if their parents had paid their contributions. They were also eligible for non-contributory social security schemes operated by the Social Welfare Division of the Ministry of Social Development. There was also a public assistance scheme for the most needy, many of whom were children. Free care was provided in hospitals and health centres throughout the country. There were also some private establishments which charged for treatment. The health system reform was based on decentralization, with greater autonomy for regional health establishments. The emphasis was also placed on primary health care and on alternatives to hospital treatment. Consideration was currently being given to community care and its appropriateness for certain categories of the population.

33. The question of early pregnancies and family planning was addressed by information campaigns run by the Government authorities and associations. It was frequently associated with the problem of AIDS and more broadly with the

attention given to young people's lifestyle. The population as a whole was increasingly receptive and understanding towards people with AIDS or in marginal situations.

34. Lastly, it was true that the school system was selective and that it still focused heavily on purely academic subjects, although efforts were being made to increase the number of vocational training and technical schools. Post-primary classes had been introduced for pupils who failed to enter secondary education. Comprehensive secondary schools had also been established. There was general agreement that the school system should place greater emphasis on the world of work and all those involved, including pupils, were taking part in the debate. There were also plans to introduce a National Secondary Education Certificate, which would test only traditional subjects.

35. The CHAIRPERSON pointed out that in the Caribbean at least, it was increasingly common for girls to outperform boys at school, and that school drop-out rates were particularly high among boys. She asked whether in Trinidad and Tobago there had been any studies on dropping out among boys and on the links between dropping out and the antisocial behaviour common among boys and young men.

36. Ms. SAMPSON (Trinidad and Tobago) said that dropping out of school at an early age was a perceptible phenomenon among boys, so much so that they had been described as a "lost generation". According to the studies carried out, boys' poor results were attributable to the fact that the vast majority of teachers were women, that boys increasingly suffered from the absence of a male role model at home and that they allegedly had difficulty in finding their feet when they had to compete with girls in mixed schools. The authorities were alert to the problem and were attempting to remedy it by measures that included changing school syllabuses. Nevertheless, there were still many situations in which girls were no better off than boys.

37. In reply to a question asked by Mrs. Palme, she said that measures had been taken to identify those spheres in which legislation had to be amended in order better to protect the rights of disabled persons. Although there were special schools for children with a particular disability (such as schools for the blind), every effort was made to integrate disabled children into the conventional school system. The experiments made in some pilot establishments had produced encouraging results. However, attendance at regular schools by disabled children posed the problem of their transport and the authorities were also studying means of solving the problem. Awareness campaigns were also conducted among employers to improve job entry for the disabled. She said that all her remarks applied to both mentally and physically disabled persons.

38. Mrs. SARDENBERG inquired how things stood with the projects and programmes on behalf of youth carried out in 1993 and 1994 (initial report, para. 146). She also asked whether there were sufficient leisure facilities for young people.

39. The CHAIRPERSON invited the members of the Committee to ask their questions about special protection measures for children (articles 22, 30 and 32-40 of the Convention) (items 47-56 of the list of issues).

40. Mr. RABAH said that he would appreciate further information about children in conflict with the law. He would like to know why persons aged 16 and 17 were not regarded as children and did not as a rule benefit from the protection provided for young people (initial report, para. 147). He asked what was the age of criminal responsibility, what was the maximum period a child could be held in custody, whether there were any juvenile courts and whether judges were given special training in juvenile justice. As most young offenders came from a poor background, it would be interesting to know whether they were entitled to legal aid. He also asked whether there were any re-education centres for young offenders and, if so, who ran them and what activities young persons pursued in them. He inquired whether young offenders who were sentenced to prison were held separately from adults and whether they benefited from reintegration measures.

41. Mrs. OUEDRAOGO said that, in view of the level of overcrowding in Trinidad and Tobago's prisons, she too would appreciate further information on the conditions of detention of young offenders in prison. She asked whether the health of young offenders was protected and whether they had to purchase the medicines they needed themselves, as seemed to be the case of adult prisoners. She also asked for information on the situation of children working in firms without being declared or in the informal economy.

42. Mrs. PALME commended the measures adopted by the Government to combat the sexual exploitation of children and said that in her view the holistic approach adopted in that sphere should be extended to other sectors, and in particular to the struggle against the abuse of children within their family, in view of the correlation between the two phenomena. She was surprised that in Trinidad and Tobago a court which had to determine the amount of maintenance to be paid to a child should take into consideration the child's income and earning capacity (initial report, para. 55) as that seemed to suggest a somewhat lenient attitude towards child labour. She asked for details of the conditions under which that provision was applied.

43. The CHAIRPERSON asked what role was played by probation officers in the juvenile justice system, whether the number of probation officers and social workers was sufficient and whether women were not over-represented in the probation services - as was the case in other social work sectors. She said that in her view the replies to questions 49 and 50 of the list of issues were insufficient; she would particularly appreciate more detailed information on the planned system of community mediation, and to know whether, as some sources suggested, pre-trial detention of juvenile offenders was not excessively long - occasionally because they were unaware of the possibilities of obtaining legal aid - and fuller information on the community service planned as an alternative to custodial sentences. She also noted with concern the absence of any legislative provision and specific procedure on behalf of children such as was envisaged by article 40 of the Convention, and asked whether any such provisions would be included in the Children Act. Lastly, where minors aged from 16 to 18 were concerned, she asked whether there were

any special safeguards to protect them when they were placed in a penal establishment, whether they were held separately from adults and what percentage of the prison population was made up of girls.

44. Ms. SAMPSON (Trinidad and Tobago) said that in primary and secondary schools, leisure activities were part of physical education and involved inter-school competitions in the main sports. The sports promotion programme referred to in the initial report had continued and even been expanded. In addition, recreational activities were organized at the community level as they were an excellent way of preventing delinquency and drug abuse among young people. Some NGOs had financed sporting activities as part of anti-dru programmes.

45. Regarding young people aged 16 or 17 in conflict with the law, a proposal had been made to amend the law so as to introduce a number of protective measures on their behalf. Thus, depending on the offence they hac committed, juvenile delinquents could be placed either on probation under the supervision of a probation officer or in a certified school (St. Michael's fo boys and St. Jude's for girls). Children on probation under the supervision of a probation officer followed a rehabilitation programme also involving the members of their family, as the roots of the child's problems were often to be found among his family and friends. Counselling sessions for minors were organized; juveniles who were not delinquents frequently asked to take part in them and were allowed to do so, as it was an ideal means of preventing delinquency. The two certified schools, which had originally been founded by the Church but were subsidized by the State, also sought to rehabilitate thei inmates; both of them had a primary school and technical and vocational training facilities and catered for young persons up to the age of 16. In addition, some children were able to attend secondary school. Sporting activities were also organized and some of the schools' inmates had even become champions and represented their country in international competitions.

46. With regard to legal aid, she said that the legal aid department was part of the Ministry of Social Development and that it was financed by the State. Its staff examined applications, and after having determined whether the applicants satisfied the requirements, appointed a lawyer to represent them in court.

47. Ms. CAMPS (Trinidad and Tobago) confirmed that minors could be held in custody for a relatively long period because the legal system was overloaded. It was planned to overcome the problem by reducing the length of vacations in the legal system and recruiting new judges. However, the financial condition offered to them were not sufficiently attractive in comparison with the private sector and recruitment to the legal system still posed problems.

48. Ms. SAMPSON (Trinidad and Tobago) said that the Youth Training Centre catered for male delinquents aged from 16 to 18 although a number of minors aged under 16 and placed in custody could be sent there if there was no room at St. Michael's. The Centre emphasized rehabilitation and vocational and technical training. Minors placed in custody posed a problem as they were unable to take part in the training programme, which was why the State had decided to establish a special custody centre for minors. There was no establishment for female juvenile delinquents aged from 16 to 18 and if they were guilty of a particularly serious offence they were placed in a detention centre for women.

49. Probation officers were considered to be social workers. A majority of them were women, although the Government was attempting to attract more men to the profession. There were currently 54 probation officers in the service. In addition, the police could give delinquents aged under 12 who had committed a minor offence a reprimand in front of their parents or guardians; if they had committed a serious offence, they were prosecuted as a means of last resort. In addition, a minor could not be held in custody for more than 24 hours; beyond that period, he was released or brought before a judge, in which case any statement had to be made in the presence of his parents or guardian. If he was charged, the minor had to be informed of his rights, including the possibility of choosing a lawyer. The police were responsible for deciding whether a minor was to be summoned to appear in court or arrested.

50. A bill made provision for delinquents aged over 16 to perform community service in place of a prison sentence. They were required to perform a certain period of unpaid work on behalf of the community, ranging from a minimum of 40 to a maximum of 240 hours; the work could be combined with probation. The agreement of both the delinquent and the probation service was required. The provision did not apply to offenders guilty of acts of violence or sexual offences or to drug traffickers. The bill on community mediation provided for the establishment of courts of mediation and staff had already been trained for them. Mediation was only effective with the victim's consent and the measures imposed ranged from community service or work on behalf of the victim of the offence to financial compensation.

51. Although she admitted that prisons were overcrowded in Trinidad and Tobago, in her view the problem was probably exaggerated as the situation of detainees was frequently reviewed and many persons sentenced to long-term imprisonment were released before they had served their full sentence. Work had also been carried out - making it possible to increase the capacity of prisons - and a maximum security prison for 2,100 prisoners had just been built.

52. With regard to child labour, she said it would be surprising if children were employed in the export industry in Trinidad and Tobago as there were no tax-free industrial zones there. The legal age for employment was 12 and some children did indeed work, especially in agriculture or as street vendors. As a rule, however, since secondary schooling was free most children stayed at school until the age of 15 or 16. The Government was currently endeavouring to harmonize the various legislative texts applicable to the conditions of employment of minors, drawing on the provisions of ILO Convention No. 138, to which it planned shortly to accede.

53. As for the practice by which courts took into account the income and earning capacity of children in determining the amount of maintenance to be paid to them, in fact the provision only applied to a very small number of cases in which the child had income or property or had finished school and was already employed.

The meeting rose at 1.05 p.m.